

# Jim Donchess

Mayor • City of Nashua

June 4, 2024

Ms. Beth Scaer  
11 East Hobart Street  
Nashua, NH 03060

Dear Ms. Scaer:

My office has received your letter appealing the decision to deny your request to fly the Pine Tree flag on the City Hall flag pole.

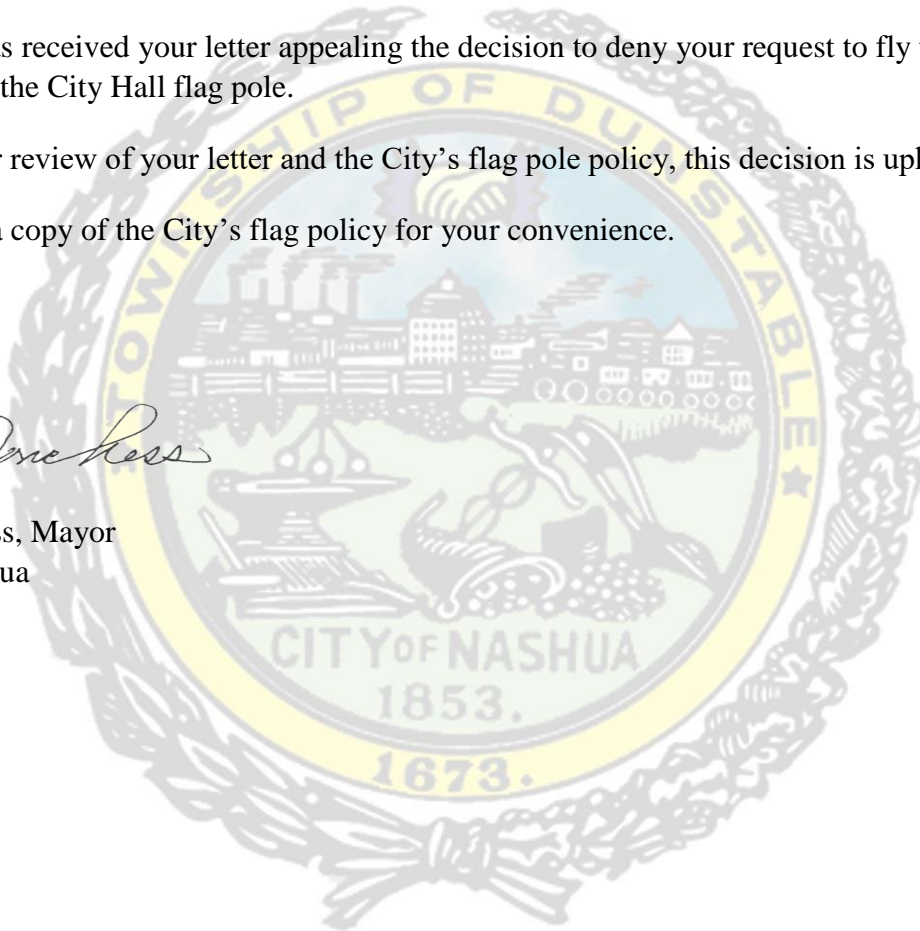
Upon further review of your letter and the City's flag pole policy, this decision is upheld.

Attached is a copy of the City's flag policy for your convenience.

Sincerely,



Jim Donchess, Mayor  
City of Nashua





Beth Scaer <bscaer@gmail.com>

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## Appeal of rejection of my request to fly a flag in commomeration of the Battle of Bunker Hill

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Beth Scaer <bscaer@gmail.com>

Mon, Jun 3, 2024 at 8:10 AM

To: Mayor's Office Email <NashuaMayor@nashuanh.gov>

Cc: Risk Management Dept <risk@nashuanh.gov>, "Cummings, Tim" <CummingsT@nashuanh.gov>, "Bolton, Steve" <BoltonS@nashuanh.gov>, nashuahistorical@comcast.net, newhampshire@societyofthecincinnati.org, MTCDARregent@gmail.com

Mayor Donchess,

Nashua's brave soldiers fought and died at the Battle of Bunker Hill on June 17, 1775. I applied to raise the Pine Tree Flag, which our soldiers carried into battle that day, on the Nashua City Hall Plaza to commemorate this solemn anniversary. My request was rejected because the "flag is not in harmony with the message that the City wishes to express or endorse." The citizens of Nashua would be quite alarmed and ashamed to know that the City does not endorse the message of commemorating our soldiers fighting and dying at the Battle of Bunker Hill.

I am writing to appeal this decision by Jennifer Deshaies of Risk Management and requesting that my application to raise the Pine Tree Flag on June 15 be approved.

See my application and the rejection letter below.



**SPECIAL EVENT APPLICATION**  
**City Hall Plaza**

☐ Complete the application in its entirety. Submit the application along with any additional requirements at least ten (10) calendar days prior to the event - City of Nashua, Risk Management Department, 229 Main Street, Nashua NH 03061, fax to 603-589-3359 or Risk@NashuaNH.gov.

☐ If applicable, applicant must submit a certificate of insurance naming the City of Nashua as the certificate holder and as an additional insured: reflecting \$1,000,000/\$2,000,000 general liability insurance.

☐ If applicable, contact the Permits Coordinator, 603-589-3276, to obtain a Permit to Encumber. Any applicant that would like to place an obstruction in the City right-of-way (sidewalk abutting the plaza) will need to obtain a Permit to Encumber. This includes signage, materials or participants.

1. Organization: n/a  
 2. Address: 111 East Hobart Street Nashua NH 03060  
 3. Contact Name: Beth Scaer Contact Number: 603-888-5487  
 4. Name of Event: Commemoration of the Battle of Bunker Hill  
 5. Requested Date(s) of Event: 06/15/2024 Requested Time(s) of Event: 10:00 am

Event Details (Please include approximate number of attendees, whether or not sidewalk will be utilized and additional details that may be pertinent to the event) If your request is to have a flag flown, but with no ceremony, please indicate as such below.

We will raise the Pine Tree Flag to commemorate the Battle of Bunker Hill on June 17, 1775.  
We will remember the Nashua soldiers that died in the Battle including William Harris, the  
young drummer boy and Colonel Ebenezer Bancroft, who had led the march on Lexington and  
Concord.

We are expecting five people to attend and we will not obstruct the sidewalk.

**OBSERVANCE OF LAWS AND ORDINANCES**

The undersigned shall faithfully observe, keep and obey all terms and conditions of the permit, laws, rules and ordinances of the City of Nashua. The undersigned shall also faithfully observe, keep and obey all laws, rules and regulations of any other governmental entity including, State and federal regulations which may apply.

**INDEMNIFICATION**

The undersigned shall have the power to act on behalf of the organization. The undersigned shall have and protect, hold harmless, indemnify and defend the City, its commissions, officers, agents, and employees against any and all liability, causes of action, claims, loss damages or cost and expenses arising from, allegedly arising from, or resulting directly or indirectly from any acts of the applicant or any of its officers, employees, or agents done in the performance or operations of the event, or any act done under pretended authority of this application. This agreement to indemnify and hold the City harmless shall include any costs incurred by the City in defending any action involving an act by the applicant or any of its officers, employees, or agents, and shall include attorney's fees incurred by the City.

I certify that the answers given herein are true and complete to the best of my knowledge, and I have not omitted any information. I further understand the conditions herein. False, misleading, or omitted information in my application form may disqualify the organization from holding this event.

Signature: Bethany R. Scaer Date: 05/27/2024

(For insurance purposes: signed application serves as a contractual obligation in regards to naming the City of Nashua as an additional insured)

5/29/2024 Denied JP  
 SEACH2022



**City of Nashua**  
Risk Management Department  
229 Main Street - Nashua, NH 03060

Jennifer L. Deshaies  
Risk Manager  
603-589-3350  
Fax 603-589-3359

May 29, 2024

Ms. Beth Scaer  
11 East Hobart Street  
Nashua NH 03060

RE: FLAG POLE REQUEST

Ms. Scaer:

We have reviewed your application dated May 27, 2024, requesting to fly the Pine Tree Flag on a City Plaza flag pole. The flag is not in harmony with the message that the City wishes to express and endorse. Therefore, we must deny your request as the flag poles are not intended to serve as a forum for free expression by the public.

Attached please find our Flag Pole Policy and Special Event Procedures for the City Hall Plaza that can also be found on the Risk Management page of the City website.

If you wish to appeal this decision it may be made to the Mayor's office within three business days of after receiving our decision. The appeal shall be in writing, stating the basis therefore and relief sought. The Mayor's office will review our decision and announce its decision as promptly as possible, but no later than ten business days after receipt of the appeal.

Sincerely,

Jennifer L. Deshaies

Jennifer L. Deshaies  
Risk Manager

Encl.  
SPECIAL EVENT APPLICATION City Hall Plaza  
FLAG POLE POLICY  
SPECIAL EVENT PROCEDURES City Hall Plaza

Cc: Megan Caron, Chief of Staff  
Attorney Steve Bolton, Corporation Counsel  
Tim Cummings, Administrative Services Director